

REMARKS

Applicant respectfully requests favorable reconsideration of this application, as amended.

Applicant notes with appreciation the indication of allowable subject matter within Claims 2 and 9. *See*, Office Action at Paragraph 8 (Page 9) ("Regarding claims 2 and 9, the applied references fail to disclose or render obvious the claimed limitations specifically wherein when different delays as the arbitrary delays are given to a plurality of antennas, a combination of output powers which is different from corresponding delay outputs in the other transmitters is set").

Claims 13–18 [sic] were withdrawn from examination as being directed to a non-elected invention. *See*, Office Action at Paragraph 2 (Page 2). Applicant notes that Claims 14–18 do not depend from Claim 13; rather, these claims depend from finally-rejected Claims 4, 6 and 10.¹ Accordingly, Claims 14–18 should have been examined on their merits. That being said, in the interests of securing an expedited Notice of Allowance, Claims 13–19 have been canceled without prejudice, and Applicant reserves the right to pursue the subject matter recited therein within one or more divisional applications.

Claims 1, 4, 8 and 10 were finally rejected under 35 U.S.C. § 102(b) as being anticipated by Kai (U.S. 4,490,830). Claims 3 and 5 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Kai, and Claims 6 and 7 were finally rejected as being unpatentable over Kai in view of Solondz (US 6,259,730). Applicant respectfully traverses the rejections, for the reasons articulated in the previous response.

In the interests of securing an expedited Notice of Allowance, however, Claims 1 and 8 have been amended to incorporate the features recited by allowed Claims 2 and 9, respectively, and Claims 2 and 9 have been canceled accordingly. Claims 4–7 and 10 have been canceled without prejudice, and Applicant reserves the right to pursue the subject matter recited therein within one or more continuation applications. Thus, Claims 1, 3 and 8 are pending.

¹ Claims 14, 16 and 17 depend from Claim 4, Claim 18 depends from Claim 6, and Claim 15 depends from Claim 10.

In view of the remarks presented herein, Applicant respectfully submits that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

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